

REMARKS

Applicants submit the aforementioned amendments in response to the Office Action mailed May 9, 2007.

Claims 1-6 and 8-37 have been canceled.

Claim 7 remains in this application.

Rejection under 35 USC 103(a)

The Examiner rejects claim 7 as being unpatentable over Condra et al., in view of de Bethune and Seki et al., and Bakhanashvili et al.

Condra et al. teach a series of HIV mutations that render resistance of HIV to indinavir, a HIV protease inhibitor, including 88T.

de Bethune et al teach a large number of HIV mutations that are resistance to NNRTIs.

Larder et al teach at least eight (8) RT mutations including 69S-[S-S] that are resistant to a protease inhibitor such as AZT.

Bakhanashvili et al. teach at least four (4) mutations in RT, none of which is in claim 7.

Seki et al. teach at least seven (7) NNRTI resistant mutations, none of which is in claim 7.

Taken together, the cited references provide a large number of mutations, which can generate numerous combinational mutations, but no direction or suggestion, expressly or implicitly, with respect to the specific combination in claim 7. A person of ordinary skill in the art would not be motivated to combine the cited references in the way that is claimed absent any direction thereto. Even assuming one of the skilled in the art might be motivated to try, he/she would not be able to come up with the combination as claimed without undue experimentation or reasonable expectation of success. The Examiner has picked out the specific mutations from different references to form the basis for the rejection, which is a typical hind-sight approach. It is not clear how a skilled in the art would be able to eye on the specific mutations listed in claim 7 without the benefit of the present application.

In addition, applicant has amended claim 7 to further clarify the present invention, as shown above.

Accordingly, the rejection to claim 7 over the cited references has been overcome and should be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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